

AN ORDINANCE approving the awarding of Reference #876 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and WATER PRODUCTS COMPANY; UNDERGROUND PIPE AND VALVE, INC.; AND WAYNE PIPE & SUPPLY, INC. for the Water Maintenance Department.

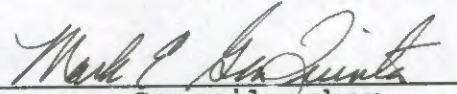
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #876 between the City of Fort Wayne, by and through its Department of Purchasing and WATER PRODUCTS COMPANY; UNDERGROUND PIPE AND VALVE, INC.; AND WAYNE PIPE & SUPPLY, INC. for the Water Maintenance Department, respectfully for:

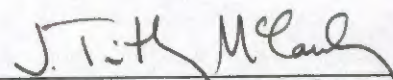
the purchase of valve and curb boxes for the Water Maintenance Department for 1989;

involving a total cost of Fifty-Seven Thousand Nine Hundred Forty-Two and no/100 Dollars (\$57,942.00) - (Underground- \$39,240.20; Water Products - \$16,517.00; Wayne Pipe- \$2,184.80), all as more particularly set forth in said Reference #876 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

REF NO.: 876

DEPT.: WATER MAINTENANCE

DATE: 03/07/89

ITEM/SERV.: CURB & VALVE BOXES

PURCHASING INFORMATION

ADVERTISED BID: YES

DATES ADVERTISED: 1/30/89 & 2/6/89

OPENING DATE: 2/23/89

WRITTEN QUOTE:

DUE DATE:

VERBAL QUOTE:

NO. OF VENDORS NOTIFIED: 16

NO. OF VENDORS REQUESTING BID INFO: 11

NO. OF VENDORS RESPONDING: 4

NO. OF VENDORS DISQUALIFIED: 1

NO. OF VENDORS NOT RESPONDING: 12

DATE SENT TO DEPT. FOR RECOMMENDATION: 2/23/89

DATE RECOMMENDATION REC'D IN PURCHASING: 3/3/89

DATE INFO SENT TO LAW DEPT.: 3/7/89

INTRODUCTION DATE: 3/14/89

DISCUSSION DATE:

PASSAGE DATE:

ORDINANCE NO.:

AMOUNT APPROVED AND/OR SPENT LAST YEAR: \$56666.30+/-
(IF APPLICABLE)

REFERENCE NO. 876
WATER MAINTENANCE

VALVE BOXES/CHARLOTTE

ITEM	EST QTY	UNDERGROUND	WATER PRODUCTS	WAYNE PIPE	EJP	TREATY	JAMES JONES
LID	250				NO BID	NO BID	NO BID
TOP SECT 12"	200	\$4.95 \$1,237.50	\$5.20 \$1,300.00	\$5.027 \$1,256.75			
TOP SECT 16"	30	\$14.95 \$2,990.00	\$11.63 \$2,326.00	\$10.924 \$2,184.80			
TOP SECT 18"	30	\$18.52 \$555.60	\$15.80 \$474.00	\$18.780 \$563.40			
TOP SECT 28"	350	\$24.22 \$8,477.00	\$22.48 \$7,868.00	\$24.569 \$8,599.15			
BOTTOM 18"	200	\$10.69 \$2,138.00	\$12.30 \$2,460.00	\$10.844 \$2,168.80			
BOTTOM 24"	30	\$12.08 \$362.40	\$15.00 \$450.00	\$12.256 \$367.68			
BOTTOM 30"	200	\$13.53 \$2,706.00	\$17.48 \$3,496.00	\$13.725 \$2,745.00			
EXTENSION 12"	150	\$9.10 \$1,365.00	\$12.33 \$1,849.50	\$9.235 \$1,385.25			
BASE	60	\$13.53 \$811.80	\$14.54 \$872.40	\$13.725 \$823.50			

VALVE BOXES/TYLER

VB12 EXT	100	\$22.26 \$2,226.00	\$24.00 \$2,400.00	\$41.286 \$4,128.60			
LIDS	50	\$5.19 \$259.50	\$5.65 \$282.50	\$9.867 \$493.35			

CURB BOX/CHARLOTTE

COMPLETE	1500	\$14.92 \$22,380.00	\$17.39 \$26,085.00	\$15.137 \$22,705.50			
TOP SECT 24"	100	\$8.88 \$888.00	\$10.35 \$1,035.00	\$9.000 \$900.00			
EXTENSION 9"	400	\$3.98 \$1,592.00	\$4.65 \$1,860.00	\$4.039 \$1,615.60			
EXTENSION 16"	300	\$4.95 \$1,485.00	\$5.83 \$1,749.00	\$5.025 \$1,507.50			
BOTTOM	200	\$6.04 \$1,208.00	\$7.35 \$1,470.00	\$6.128 \$1,225.60			

CURB BOX/MUELLER

LID	1500	\$7.00 \$10,500.00	\$5.45 \$8,175.00	\$5.572 \$8,358.00			
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CURB BOX/TYLER

ENL BASE	100	\$5.81 \$581.00	\$6.35 \$635.00	\$10.673 \$1,067.30			
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TOTAL DELIVERY FOB		\$61,762.80 15 DAYS FW	\$64,787.40 7-10 DAYS FW	\$62,095.78 2-3 WKS FW			
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INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: 2-23-89 @ 11:00 AM BID REFERENCE # 876

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR curb and valve boxes

AND REQUESTED BY Water Maintenance & Service

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A XXXXXXX 5% BID BOND, CERTIFIED CHECK, OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____ 0 %
IF PAID WITHIN NET 30 DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME WAYNE PIPE & SUPPLY, INC.

STREET ADDRESS 1815 S. ANTHONY BLVD.

CITY FORT WAYNE, INDIANA 46803

BY R. C. Schmierer PHONE 423-9577
REPRESENTATIVE SIGNATURE

SCHEDULE

1. The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the completed delivery of the supplies.

All supplies and deliveries of supplies will be in accordance with: the IFB, this contract and any applicable plans, specifications, and drawings for a TOTAL PRICE of \$62,095.78. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto.) The supplies shall be delivered as follows:

AS REQUIRED

/___/ 2. LIQUIDATED DAMAGES PROVISION. It is hereby agreed by and between the City of Fort Wayne and contractor that time is of the essence of this agreement, and the contractor agrees that it will deliver the supplies as herein called for on or before the time spelled out in the contract. The parties agree that it is a business and governmental necessity that the supplies be delivered by these dates. The parties agree that in the event the supplies are not delivered by these dates, that it will be difficult or impossible to make an accurate determination of the damages that will be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$ NONE per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay delivery of supplies. Therefore, the parties agree that delays in the dates for delivery of supplies beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not restricted to: Acts of God or of the public enemy, acts of the United States Government, State of Indiana Government and City of Fort Wayne in either its sovereign or contractual capacity, fires, floods, epidemics, guarantee restrictions, strikes, freight embargoes, and unusually severe weather; but, in every case, the failure to perform must be beyond control and without the fault or negligence of the contractor. If the failure to perform is caused

COST OF PARTS FOR VALVE BOXES

<u>CHARLOTTE BRAND ONLY</u>			UNIT/TOTAL
250 EA +/-	LIDS MARKET "WATER"		\$ <u>5.027/1,256.75</u>
200 EA +/-	TOP SECTION W/LIDS	12" LONG	\$ <u>10.924/2,184.80</u>
30 EA +/-	TOP SECTION W/LIDS	16" LONG	\$ <u>18.78 / 563.40</u>
350 EA +/-	TOP SECTION W/LIDS	28" LONG	\$ <u>24.569/8,599.15</u>
200 EA +/-	BOTTOM SECTION	18" LONG	\$ <u>10.844/2,168.80</u>
30 EA +/-	BOTTOM SECTION	24" LONG	\$ <u>12.256/ 367.68</u>
200 EA +/-	BOTTOM SECTION	30" LONG	\$ <u>13.725/2,745.00</u>
150 EA +/-	EXTENSION	12" LONG	\$ <u>9.235/1,385.25</u>
60 EA +/-	BASE		\$ <u>13.725/ 823.50</u>

TYLER BRAND ONLY

100 EA +/-	VB12 EXTENSION WITH VB9 DROP LID	\$ <u>41.286/4,128.60</u>
50 EA +/-	LIDS	\$ <u>9.867/ 493.35</u>

DELIVERY TIME: 2-3- WEEKS FOB: DELIVERED

COST OF PARTS FOR CURB BOXES

<u>CHARLOTTE BRAND ONLY</u>			
1500 EA +/-	COMPLETE, WITH LID	#93E	\$ <u>15.137/22,705.50</u>
100 EA +/-	TOP SECTION	24"	\$ <u>9.00 / 900.00</u>
400 EA +/-	EXTENSION	9" #151	\$ <u>4.039/1,615.60</u>
300 EA +/-	EXTENSION	16" #152	\$ <u>5.025/1,507.50</u>
200 EA +/-	BOTTOM SECTION		\$ <u>6.128/1,225.60</u>

MUELLER BRAND ONLY

1500 EA +/-	REPAIR LID - 2 1/2"	#H10374	\$ <u>5.572/8,358.00</u>
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TYLER BRAND ONLY

100 EA +/-	CURB BOX-ENLARGED BASE	#6500	\$ <u>10.673/1,067.30</u>
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DELIVERY TIME ONLY: 2-3 WEEKS FOB: DELIVERED

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of WAYNE PIPE & SUPPLY, INC.
_____, does hereby make the following representations
to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council
of the City of Fort Wayne, Indiana, has passed an ordinance con-
demning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons,
firms or corporations submitting bids to the City, for goods and
services, certify, as part of the bid, that such entity does not
support the policies of apartheid in South Africa.

The undersigned states, on behalf of WAYNE PIPE & SUPPLY, INC.
_____, that WAYNE PIPE & SUPPLY, INC.
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed
this 22 day of FEBRUARY, 1989.

WAYNE PIPE & SUPPLY, INC.
(Name of Bidder/Vendor)

R. C. Schriener
(Name and Title of Person Signing)

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Wayne Pipe & Supply, Inc.1815 S. Anthony Blvd., Fort Wayne, IN

....., as Principal, (hereinafter called the "Principal"), and
 the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized
 under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound
 unto City of Fort Wayne

.....as Obligee, (hereinafter called the "Obligee"),
 in the sum of Five Per-cent of Contractors Maximum Bid Dollars (\$ 5%),
 for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves,
 our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Bid Reference 876

(Furnishing Valves and Curb Boxes) per
Plans and Specifications

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into
 a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be
 specified in the bidding or contract documents with good and sufficient surety for the faithful performance of
 such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the
 event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal
 shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said
 bid and such larger amount for which the Obligee may in good faith contract with another party to perform
 the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 22nd day of February A.D. 19 89

WAYNE PIPE & SUPPLY, INC.

Schuster

Principal

(SEAL)

Witness

Treasurer

Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Surety

By

Guend Clancy

Title

(SEAL)

Witness

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Duane E. Lupke, Donald L. Coffey, Edward B. Rice, Walter E. Boose, Virginia T. Axson, Gerald Clancy and Judith A. Snyder, all of Fort Wayne, Indiana, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Duane E. Lupke, et al., dated, April 2, 1986.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 1st day of October, A.D. 1987

ATTEST:



FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C. W. Robbins
Assistant Secretary

By

Ch. J. Faler
Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE

SS:

On this 1st day of October, A.D. 1987, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.



Carol J. Faler
Notary Public Commission Expires July 1, 1990

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 22 day of FEBRUARY, 1989

044-2987

Christopher T. Maddox
Assistant Secretary

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: FEBRUARY 22, 1989

1. Governmental Unit: CITY OF FORT WAYNE

2. County: ALLEN

3. Bidder (Firm): WAYNE PIPE & SUPPLY, INC.
Address: 1815 S. ANTHONY BLVD.
City/State: FORT WAYNE, INDIANA 35803

4. Telephone Number: (219) 423-9577

5. Agent of Bidder (If applicable): R.C. SCHMIEMAN

Pursuant to notices given, the undersigned offers bid(s) to CITY OF FORT WAYNE (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

R.C. Schmieman
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
 COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

WAYNE PIPE & SUPPLY, INC
Bidder (Firm)

R.C. Schmieman
Signature of Bidder or Agent

Subscribed and sworn to before me this 22ND day of FEB, 1989.

My Commission Expires: 11/19/89

County of Residence: ALLEN

JANICE KAY BELL
Notary Public

JANICE KAY BELL
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date:

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: 2-23-89 @ 11:00 AM BID REFERENCE # 876

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350,
CITY-COUNTY BUILDING UP TO 11:00 A. M., ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF
WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-
COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M.
FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR curb and valve boxes

AND REQUESTED BY Water Maintenance & Service

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED
ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A XXXXXX 5% BID BOND, CERTIFIED CHECK, OR
CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL
BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____ %
IF PAID WITHIN _____ DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA
STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION
CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE
THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND
CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND
BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF
NINETY (90) DAYS.

FIRM NAME Water Products Company

STREET ADDRESS 112 W. Water

CITY Wabash

BY  PHONE 219-563-2171
REPRESENTATIVE SIGNATURE

SCHEDULE

1. The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the completed delivery of the supplies.

All supplies and deliveries of supplies will be in accordance with: the IFB, this contract and any applicable plans, specifications, and drawings for a TOTAL PRICE of \$ 64,787.40. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto.) The supplies shall be delivered as follows:

COMMON CARRIER ON OUR TRUCK

/___/ 2. LIQUIDATED DAMAGES PROVISION. It is hereby agreed by and between the City of Fort Wayne and contractor that time is of the essence of this agreement, and the contractor agrees that it will deliver the supplies as herein called for on or before the time spelled out in the contract. The parties agree that it is a business and governmental necessity that the supplies be delivered by these dates. The parties agree that in the event the supplies are not delivered by these dates, that it will be difficult or impossible to make an accurate determination of the damages that will be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$ 0 per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay delivery of supplies. Therefore, the parties agree that delays in the dates for delivery of supplies beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not restricted to: Acts of God or of the public enemy, acts of the United States Government, State of Indiana Government and City of Fort Wayne in either its sovereign or contractual capacity, fires, floods, epidemics, guarantee restrictions, strikes, freight embargoes, and unusually severe weather; but, in every case, the failure to perform must be beyond control and without the fault or negligence of the contractor. If the failure to perform is caused

*All Valve and Curb Boxes, manufactured by Bingham and Taylor
Culpeper, Virginia

COST OF PARTS FOR VALVE BOXES

CHARLOTTE BRAND ONLY

250 EA +/-	LIDS		\$ 5.20
200 EA +/-	TOP SECTION	12" LONG	\$ 11.63
30 EA +/-	TOP SECTION	16" LONG	\$ 15.80
350 EA +/-	TOP SECTION	28" LONG	\$ 22.48
200 EA +/-	BOTTOM SECTION	18" LONG	\$ 12.30
30 EA +/-	BOTTOM SECTION	24" LONG	\$ 15.00
200 EA +/-	BOTTOM SECTION	30" LONG	\$ 17.48
150 EA +/-	EXTENSION	12" LONG	\$ 12.33
60 EA +/-	BASE		\$ 14.54

TYLER BRAND ONLY

100 EA +/-	VB12 EXTENSION WITH VB9 DROP LID		\$ 24.00
50 EA +/-	LIDS		\$ 5.65

DELIVERY TIME: 7-10 Days FOB: Fort Wayne

COST OF PARTS FOR CURB BOXES

CHARLOTTE BRAND ONLY

1500 EA +/-	COMPLETE, WITH LID	#93E	\$ 17.39
100 EA +/-	TOP SECTION	24"	\$ 10.35
400 EA +/-	EXTENSION	9" #151	\$ 4.65
300 EA +/-	EXTENSION	16" #152	\$ 5.83
200 EA +/-	BOTTOM SECTION		\$ 7.35

MUELLER BRAND ONLY

1500 EA +/-	REPAIR LID	#H10374	\$ 5.45
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TYLER BRAND ONLY

100 EA +/-	CURB BOX-ENLARGED BASE	#6500	\$ 6.35
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DELIVERY TIME ONLY: 7-10 Days FOB: Fort Wayne

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Water Products Company
_____, does hereby make the following representations
to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of Water Products Company
_____, that The Company
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed
this 20th day of February, 1989.

Water Products Company
(Name of Bidder/Vendor)

Wendell Johnson, President
(Name and Title of Person Signing)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

1. Governmental Unit: City of Fort Wayne Date: 2-20-89
2. County: Allen
3. Bidder (Firm): Water Products Company
Address: 112 W. Water, P.O. Box 55
City/State: Wabash, In. 46992
4. Telephone Number: 219-563-2171
5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or option, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or additions in the items specified will render such bid void as to that class or item. Bidder promises that he will not offer nor received a less price than the price stated in his bid for the materials included in his bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A cash check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

[Signature]
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. This is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

See Attached

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
County of Allen) ss:
I, Johnetta Wells, Notary Public

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by him at such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, at this bid is made without reference to any other bid and without any agreement, understanding or collusion with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Water Products Company
Bidder (Firm)

[Signature]
Signature of Bidder or Agent

Subscribed and sworn to before me this 20th day of Feb., 1989.

Commission Expires: 11-14-92

Johnetta Wells

Notary Public

Office of Residence: Wabash

Johnetta Wells
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of City of Fort Wayne (Governmental Unit) hereby accepts the terms of the attached bid for or items numbered and promises to pay the undersigned bidder upon delivery the price for the materials stipulated in said bid.

Date: 2-20-89

Contracting Authority Members:

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: 2-23-89 @ 11:00 AM BID REFERENCE # 876

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M., ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR curb and valve boxes

AND REQUESTED BY Water Maintenance & Service

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A xxxxxxx 5% BID BOND, CERTIFIED CHECK, OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____ %
IF PAID WITHIN not 30 DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME UNDERGROUND PIPE & VALVE INC

STREET ADDRESS 617 LEY RD

CITY FT WAYNE, IND 46825

BY James P Butler PHONE 219-483-1457
REPRESENTATIVE SIGNATURE

COST OF PARTS FOR VALVE BOXES

CHARLOTTE BRAND ONLY

250 EA +/-	LIDS		\$ <u>4.95</u>
200 EA +/-	TOP SECTION	12" LONG	\$ <u>14.95</u>
30 EA +/-	TOP SECTION	16" LONG	\$ <u>18.52</u>
350 EA +/-	TOP SECTION	28" LONG	\$ <u>24.22</u>
200 EA +/-	BOTTOM SECTION	18" LONG	\$ <u>10.69</u>
30 EA +/-	BOTTOM SECTION	24" LONG	\$ <u>12.08</u>
200 EA +/-	BOTTOM SECTION	30" LONG	\$ <u>13.53</u>
150 EA +/-	EXTENSION	12" LONG	\$ <u>9.10</u>
60 EA +/-	BASE		\$ <u>13.53</u>

TYLER BRAND ONLY

100 EA +/-	VB12 EXTENSION WITH VB9 DROP LID		\$ <u>22.26</u>
50 EA +/-	LIDS		\$ <u>5.19</u>

DELIVERY TIME: 15 DAYS A.R.O FOB: FT WAYNE, IN

COST OF PARTS FOR CURB BOXES

CHARLOTTE BRAND ONLY

1500 EA +/-	COMPLETE, WITH LID	#93E	\$ <u>14.92</u>
100 EA +/-	TOP SECTION	24"	\$ <u>8.88</u>
400 EA +/-	EXTENSION	9" #151	\$ <u>3.98</u>
300 EA +/-	EXTENSION	16" #152	\$ <u>4.95</u>
200 EA +/-	BOTTOM SECTION		\$ <u>6.04</u>

MUELLER BRAND ONLY

1500 EA +/-	REPAIR LID	#H10374	\$ <u>7.00</u>
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TYLER BRAND ONLY

100 EA +/-	CURB BOX-ENLARGED BASE	#6500	\$ <u>5.81</u>
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DELIVERY TIME ONLY: 15 DAYS A.R.O FOB: FT WAYNE, IN

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of UNDERGROUND PIPE + VALVE INC, does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of UNDERGROUND PIPE + VALVE INC, that UNDERGROUND PIPE + VALVE INC does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed this 20 day of FEB, 1989.

UNDERGROUND PIPE + VALVE
(Name of Bidder/Vendor)

James P Butler
(Name and Title of Person Signing)

President

AMERICAN STATES INSURANCE COMPANY

INDIANAPOLIS, INDIANA

BID OR PROPOSAL BOND

Know all Men by these Presents,

That we, Underground Pipe & Valve, Inc.

P. O. Box 508, South Bend, Indiana 46624

of _____ (hereinafter called the Principal),
as Principal, and AMERICAN STATES INSURANCE COMPANY (hereinafter called the
Surety), as Surety, are held and firmly bound unto City of Fort Wayne,
Fort Wayne, Indiana

(hereinafter called the Obligee) in the penal sum of 5% of amount bid
_____ Dollars (\$ _____) for the payment of which the Principal
and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly
and severally, firmly by these presents.

SIGNED and SEALED this 23rd day of February 1989

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas the Principal
has submitted or is about to submit a proposal to the Obligee on a contract for _____
Curb & Valve Boxes

NOW, THEREFORE, if the said contract be timely awarded to the Principal and the Principal shall, within such time as may be specified, enter into the contract in writing, and give bond, if bond be required, with surety acceptable to the Obligee for the faithful performance of the said contract, then this obligation shall be void; otherwise to remain in full force and effect.

UNDERGROUND PIPE & VALVE, INC.

James P. Butley
AMERICAN STATES INSURANCE COMPANY
By Barbara L. Horvath
Attorney-in-Fact



American States Insurance Company

INDIANAPOLIS, INDIANA

KNOW ALL MEN BY THESE PRESENTS, that American States Insurance Company, a Corporation duly organized and existing under the laws of the State of Indiana and having its principal office in the City of Indianapolis, Indiana, hath made, constituted and appointed, and does by these presents make, constitute

and appoint

LYMAN C. CURTIS, PEGGY L. MILLER, CURTIS A. FEY AND BARBARA L. HORVATH

(Jointly or Severally)

of South Bend and State of Indiana
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and

deliver any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, provided, however,

that the penal sum of any one such instrument executed hereunder shall not exceed

FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the common seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. This Power of Attorney is executed and may be revoked pursuant to and by authority granted by Section 7.07 of the By-Laws of the American States Insurance Company, which reads as follows:

"The Chairman, the President or any vice-president (including any Executive Vice President, Senior Vice President, Second Vice President or Assistant Vice President) shall have power, by and with the concurrence with the any other officer of the Corporation, to appoint Attorneys-in-Fact as the business of the Corporation may require and to authorize any such person to execute, on behalf of the Corporation, any bonds, recognizances, stipulations and undertakings, whether by way of surety or otherwise."

IN WITNESS WHEREOF, American States Insurance Company has caused these presents to be signed by its Vice-President, attested by its

Assistant Vice-President and its corporate seal to be hereto affixed this 7th day of February

A.D. 1989

AMERICAN STATES INSURANCE COMPANY

ATTEST:

Lyman C. Curtis
Assistant Vice-President

By

Joseph F. Heim
Second Vice-President



STATE OF INDIANA }
COUNTY OF MARION } SS

On this 7th day of February, A.D., 1989, before me personally came

Joseph F. Heim

, to me known, who being by me duly sworn, acknowledged the execution of the above instrument and did depose and say: that he is a Vice-President of American States Insurance Company; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said Corporation; and that he signed his name thereto under like authority. And said

Joseph F. Heim further said that he is acquainted with John J. Rosich and knows him to be the Assistant Vice-President of said Corporation, and that he executed the above instrument.

MY COMMISSION EXPIRES

OCTOBER 2, 1992

My Commission Expires

Barbara Ponder

Notary Public

Notary is a resident of Marion
County, Indiana



STATE OF INDIANA }
COUNTY OF MARION } SS

I, John J. Rosich, the Assistant Vice-President of AMERICAN STATES INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said AMERICAN STATES INSURANCE COMPANY, which is still in force and effect.

This Certificate may be signed and sealed by facsimile under and by the authority of Section 8.03 of the By-Laws of AMERICAN STATES INSURANCE COMPANY which reads as follows:

"All policies and other instruments of insurance issued by the Corporation shall be signed on behalf of the Corporation by the Chairman, the President or any vice-president (including any Executive Vice President, Senior Vice President, Vice President, Second Vice President or Assistant Vice President) and the secretary, or an assistant secretary, or other officer, whose signatures, if the instrument is duly countersigned by an authorized representative of the Corporation, may be facsimiles. Such signatures and facsimiles thereof shall be authorized and binding upon the Corporation notwithstanding the fact that any such officer shall have ceased to be such officer at the time such policy or other instrument of insurance shall have been actually issued by the Corporation."

In witness whereof, I have hereunto set my hand and affixed the seal of said Corporation, this 23rd day of February

A.D., 1989

Lyman C. Curtis

Assistant Vice-President



BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 2-20-89
1. Governmental Unit: CITY OF FT WAYNE IN
2. County: AIKEN
3. Bidder (Firm): UNDERGROUND PIPE & VALVE INC
Address: 617 LEY RD
City/State: FT WAYNE, IN 46825
4. Telephone Number: 319-443-1457
5. Agent of Bidder (if applicable): James P Butler

Pursuant to notices given, the undersigned offers bid(s) to CITY OF FT WAYNE IN (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in the bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract; the bond or certified check or both as the case may be.

James P Butler
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
County of) SS:
AIKEN)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other person, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by him at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or collusion with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

UNDERGROUND PIPE & VALVE INC
Bidder (Firm)

James P Butler
Signature of Bidder or Agent

Subscribed and sworn to before me this 20 day of Feb, 1989.

Commission Expires: Sept 9, 1992

City of Residence: St Joseph

Allen Luck
Notary Public

Allen Luck
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of CITY OF FT WAYNE IN (Governmental Unit) hereby accepts the terms of the attached bid for items or items numbered and promises to pay the undersigned bidder upon delivery the price bid for the materials stipulated in said bid.

Contracting Authority Members:

Date: _____

Read the first time in full and on motion by Jim Jantz, seconded by Stan, and duly adopted, read the second time by title and referred to the Committee on City of Ft. Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-14-89

Neddy E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>	_____	_____	_____
BRADBURY	<u>✓</u>	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____
SCHMIDT	<u>✓</u>	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____

DATED: 3-27-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 1-60-89

on the 27th day of March, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of March, 1989, at the hour of 2:15 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day of April, 1989, at the hour of 4:15 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

89-03-09

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 876 with respect to the purchase of curb and valve boxes for Water Maintenance for 1989. The costs reflect the lowest and most responsible vendors.

EFFECT OF PASSAGE: Curb boxes are used for turning the service off and on at customers home and the valve boxes are used to control water in distribution system to fix leaks and breaks.

EFFECT OF NON-PASSAGE: Without curb boxes we would not be able to control water problems with minimal time. Without valve boxes we would not be able to shut off just a portion where the problem exists.

MONIES INVOLVED:	Underground	\$39,240.20 +/-
	Water Products	\$16,517.00 +/-
	Wayne Pipe	\$2,184.80 +/-

SOURCE OF FUNDING:	Water Maintenance
	513-523-W154-4299

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

BILL NO. S-89-03-09

REPORT OF THE COMMITTEE ON CITY UTILITIES

MARK E. GIAQUINTA, CHAIRMAN
THOMAS C. HENRY, VICE CHAIRMAN
LONG, BURNS, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the
awarding of Reference #876 by the City of Fort Wayne, Indiana,
by and through its Department of Purchasing and WATER PRODUCTS
COMPANY: UNDERGROUND PIPE AND VALVE, INC.; AND WAYNE PIPE
& SUPPLY, INC. for the Water Maintenance Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta
Thomas C. Henry
Long, Burns, Talarico

DATED: 3-27-89.

Sandra E. Kennedy
City Clerk